

EXHIBIT #5

ORIGINAL

52556050-301
RECEIVED
MAY - 8 2008

KELLY, RODE & KELLY, LLP

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 ----- X
4 RASHAD ALI, MINERVA ALI, MINERVA ALI as
Guardian over DANYAL ALI, infant,

5 Plaintiffs,

RECEIVED
JUN 18 2008
KELLY, RODE & KELLY, LLP

6 -against-

7 LECOURIUX G. YANNICK,

8 Defendant.
9

10 ----- X
11 DEPOSITION of the Defendant, YANNICK G.
12 LECOUREUX, taken by the Plaintiffs, pursuant to
13 Order, held at the offices of Sacks & Sacks, LLP,
14 150 Broadway, New York, New York, on April 16,
15 2008, at 10:45 a.m., before a Notary Public of
16 the State of New York.
17
18
19
20

21 BARRISTER REPORTING SERVICE, INC.

120 Broadway

22 New York, N.Y. 10271

212-732-8066
23
24
25

1 A P P E A R A N C E S:

2

3

SACKS & SACKS, LLP

Attorneys for Plaintiffs

4

150 Broadway

New York, New York 10038

5

BY: SANFORD M. KONSTADT, ESQ.

6

7

8

KELLY, RODE & KELLY

Attorneys for Defendant

9

330 Old Country Road

Mineola, New York 11501

10

BY: JOHN MORRIS, ESQ.

11

12

13

XXXXXX

14

15

16

17

18

19

20

21

22

23

24

1 S T I P U L A T I O N S

2

3 IT IS HEREBY STIPULATED AND AGREED by and between
4 the attorneys for the respective parties herein,
5 that filing, sealing and certification, and the
6 same are, hereby waived.

7

8 IT IS FURTHER STIPULATED AND AGREED that
9 all objections except as to the form of the
10 question, shall be reserved to the time of the
11 trial.

12

13 IT IS FURTHER STIPULATED AND AGREED that
14 the within deposition may be signed and sworn to
15 by an officer authorized to administer an oath,
16 with the same force and effect as if signed and
17 sworn to before the Court.

18

19 XXXXXX

20

21

22

23

24

25

1 Lecoureur

2 Y A N N I C K G. L E C O U R E U X,

3 Having been first duly sworn before a

4 Notary Public of the State of New York, was

5 examined and testified as follows:

6

7 EXAMINATION BY

8 MR. KONSTADT:

9 Q What is your name?

10 A Yannick G. Lecoureur.

11 Q What is your address?

12 A 60 Glen Boulevard, Glenrock, New
13 Jersey 07452.

14 Q My name is Konstadt. I am with the
15 law firm of Sacks & Sacks and we represent
16 Rashad Ali and his family who were involved
17 in an incident on October 28, 2006 at an
18 exit of the Harlem River Drive.

19 I'm going to ask you a number of
20 questions. If you don't understand the
21 question, if you wish to have the reporter
22 read a question back to you, she can
23 accommodate you. Please bear in mind the
24 reporter is required to transcribe anything
25 that is said in the room and it becomes

1 Lecoureux

2 difficult if we both speak at the same time.

3 Please let me finish my question
4 first and I'll afford you the similar
5 courtesy of completing your answer. Because
6 of the noise around here, I'm going to ask
7 you to keep your voice up and I'm going to
8 tell the other people to tone it down if we
9 have to keep the door open.

10 MR. KONSTADT: Off the record.

11 (Whereupon, a discussion was held
12 off the record.)

13 Q On October 28, 2006, were you the
14 owner of a 1997 Jeep motor vehicle?

15 A Yes.

16 Q What model number was it?

17 A Jeep Cherokee Limited.

18 Q Was it an SUV?

19 A Yes.

20 Q On that date, was the car in good
21 operating condition?

22 A Yes.

23 Q Can you tell me what kind of tires
24 you had on the car, if you recall?

25 A Jeep Cherokee was the model.

1 Lecoureux

2 MR. MORRIS: Are you asking
3 for the type or brand?

4 MR. KONSTADT: Type.

5 A The SUV tires.

6 Q The vehicle was an SUV?

7 A Yes.

8 Q Did you buy it new?

9 A No.

10 Q You bought it used?

11 A Yes.

12 Q Do you recall approximately when you
13 bought it prior to October 28, 2006?

14 MR. MORRIS: What year?

15 A Probably '04.

16 Q Did you buy it from a dealer or
17 private party?

18 A Dealer.

19 Q Do you recall the name of the dealer?

20 A Ramsey dealership.

21 Q Was the Ramsey dealership a Jeep
22 dealership?

23 A This particular one, yes.

24 Q He is on Route 17?

25 A On 17 South in Ramsey.

1 Lecoureur

2 Q I'm going to focus on the day of this
3 incident which is October 28, 2006, a
4 Saturday.

5 Do you recall going into Manhattan on
6 that day?

7 A Yes.

8 Q Approximately where were you coming
9 from before you came into Manhattan?

10 A Home.

11 Q Was anyone in the car with you?

12 A No.

13 Q Can you tell me, did you come via
14 Route 4?

15 A Yes.

16 Q And you went over the George
17 Washington Bridge?

18 A Yes.

19 Q After you came over the George
20 Washington Bridge, you went to the FDR?

21 A Yes.

22 Q Can you tell me what the weather was
23 like on that day?

24 A On and off showers.

25 Q Let's go back to the time you were

1 Lecoureur

2 crossing the George Washington Bridge. You
3 were on the lower level?

4 A The upper.

5 Q Do you recall what the weather was as
6 you were going across the George Washington
7 Bridge?

8 A It was sunny at the time.

9 Q Can you tell me where you were going
10 at the time?

11 A I was going to Times Square to look
12 at theater tickets.

13 Q Was there a reason you chose the
14 Harlem River Drive rather than the West Side
15 Highway?

16 A Traffic -- no reason.

17 Q When you came off the George
18 Washington Bridge and entered onto the
19 Harlem River Drive, can you tell me in what
20 lane you started to go southbound?

21 A Middle lane.

22 Q At this point on the Harlem River
23 Drive there are three lanes?

24 A Yes.

25 Q And you were driving in the middle?

1 Lecoureur

2 A Yes.

3 Q As you proceeded down the middle
4 lane, what was your intention about leaving
5 the Harlem River Drive? Were you going to
6 go all the way down to 50th Street or were
7 you getting off sooner?

8 A My intention was to go down to 50th
9 and 49th Street, but traffic was congested,
10 traffic stopped at 135th Street, so I went
11 to the right lane to get off to that exit on
12 133rd Street exit.

13 Q Approximately when did you get into
14 the right lane? Do you know where you were,
15 approximately?

16 A Block before the exit when the
17 traffic slowed down.

18 Q Do you recall an exit sign on the
19 divider?

20 A Yes.

21 Q What did it read, if you remember?

22 A 132 and the next one would be 125.

23 Q At the point where you saw the exit
24 sign, was the Harlem River Drive three lanes
25 wide or two lanes wide or something else?

1 Lecoureur

2 A I would say three lanes.

3 Q Was there a special exit lane that
4 you had to go into?

5 A Very short one.

6 Q Do you know where the exit would lead
7 to?

8 A Park Avenue.

9 Q Were there any traffic controls at
10 this exit when you came off the Harlem River
11 Drive?

12 A A yield sign.

13 Q Was that yield sign for traffic
14 coming off the Harlem River Drive or was
15 that yield sign for traffic on a service
16 lane?

17 A For Harlem River Drive.

18 Q When you saw traffic slowing down or
19 stopping in front of you and you decided to
20 go off at 132nd Street and Park Avenue, do
21 you know which speed your car was traveling
22 at?

23 A Fifteen.

24 Q What kind of a transmission did you
25 have, automatic or manual?

1 Lecoureur

2 A Automatic.

3 Q Your gear shift in your automatic,
4 was it in drive --

5 A Direct drive.

6 Q Direct drive is what gear?

7 A The higher gear.

8 Q At this time, can you tell me what
9 the weather was like as you exited the
10 highway?

11 A The highway was dry. The exit was
12 wet, and there were leaves on the exit. It
13 was a fall, dry leaves and wet pavement.

14 Q Were your windows up or down?

15 A I don't recall.

16 Q Did you have a heater on or air
17 conditioning on?

18 A I don't recall.

19 Q Did you have a radio or other audio
20 device working in the car?

21 A I don't recall.

22 Q Do you recall what you were wearing?

23 A Clothes.

24 Q I understand that.

25 A Casual clothing.

1 Lecoureur

2 Q Were you wearing a hat or cap?

3 A Yes.

4 Q What did the cap say on it?

5 A I don't recall.

6 Q Did you wear glasses?

7 A No -- reading glasses.

8 Q Did you have a cell phone in the car?

9 A Yes.

10 Q Were you using your cell phone?

11 A No.

12 Q Do you have any guidance system in
13 the car which would give you maps or the
14 like?

15 A No.

16 Q Had you used this exit at any time
17 before?

18 A No.

19 Q When you decided to go off at 132nd
20 Street, were there any cars in front of you
21 going off at that time?

22 A There was none when I exited. There
23 was none in front. There was two cars
24 parked in the yield sign, two cars stopped.

25 Q The exit, was that one lane or two

1 Lecoureur

2 lanes?

3 A One lane.

4 Q Did you know the other cars were
5 stopped because the rear lights were on?

6 A It happened so quick.

7 Q If you don't recall, you don't
8 recall.

9 A I don't recall.

10 Q To make that exit, did you have leave
11 the lane that you were traveling in to enter
12 into an exit lane?

13 A Yes, shortly.

14 Q When you say shortly, how long was
15 the lane?

16 MR. MORRIS: Do you mean the
17 lane on the highway or the exit lane
18 itself?

19 Q The exit lane itself?

20 A From the yield sign to the highway?

21 Q Yes.

22 A 200 feet.

23 Q You say there were two cars in by the
24 yellow sign?

25 MR. MORRIS: He said yield

1 Lecoureur

2 sign.

3 Q Sorry, yield sign, two cars by the
4 yield sign?

5 A Yes.

6 Q You mentioned there were two cars
7 stopped at the yield sign. Were they one in
8 back of the other?

9 A Yes.

10 Q Do you recall whether these were
11 sedans, SUVs or something?

12 A Sedan.

13 Q Do you remember the color of the
14 first car at the yield sign?

15 A No.

16 Q Do you remember the color of the
17 second car at the yield sign?

18 A Gray.

19 Q When you turned off the highway where
20 you first made the move to the right to turn
21 off to exit, approximately how far was the
22 front of your car from the rear of the gray
23 sedan?

24 A The one that I hit?

25 Q Yes, yes, approximately.

1 Lecoureur

2 A The car was stopped so it's not like
3 I was following him. It was there, I exit,
4 my car skidded. I'm in his back. It's very
5 fast, happened so quick.

6 Q As soon as you made the turn and saw
7 him, did you hit your brake?

8 A Yes.

9 Q Did you change the gear on your --
10 did you move your transmission?

11 A No.

12 Q You hit your brake?

13 A Yes.

14 Q You hit your brake with your right
15 foot?

16 A Yes.

17 Q Tell me the movement of your car?

18 A The car skid into the back of the car
19 in front of me.

20 Q Did your car move when it skidded to
21 the right or left? Did it turn in any way?

22 A No, I was right behind already, so it
23 went straight.

24 Q When you hit your brake,
25 approximately how fast was your car

1 Lecoureur

2 proceeding?

3 A Five or seven miles an hour.

4 Q Did you have your turn signal on when
5 you hit your brake?

6 A Yes.

7 Q And you were indicating a right turn?

8 A Yes.

9 Q In order to turn your signal on, did
10 you have to use your left hand?

11 A Yes.

12 Q So you had one hand on the wheel at
13 that time and one hand on the turn signal?

14 A No.

15 Q How did you work the turn signal?

16 A Prior to the exit to get off.

17 Q At the time you entered the exit, did
18 you have two hands on the wheel?

19 A Yes.

20 Q At that moment, was it raining out?

21 A No.

22 Q Did the gray sedan move at all from
23 the time you applied your brake until the
24 time of the contact?

25 A No.

1 Lecoureur

2 Q Do you recall approximately what
3 distance your car traveled after you applied
4 the brake?

5 A I applied the brake from the exit, so
6 my foot was constantly on the brake when
7 it -- very sharp turn, so I had to have my
8 foot to the brake and when I got behind Mr.
9 Ali, the car was skidding.

10 Q Did your car have an airbag?

11 A Yes.

12 Q Did your airbag inflate?

13 A No.

14 Q Were you wearing a seat belt at that
15 time?

16 A Yes.

17 Q Did the seat belt interfere with the
18 manner in which you operated your car?

19 A No.

20 MR. MORRIS: Off the record.

21 (Whereupon, a discussion was held
22 off the record.)

23 Q Did you see your vehicle strike the
24 gray sedan?

25 A Yes.

1 Lecoureur

2 Q What part of your vehicle struck the
3 gray sedan?

4 A The bumper.

5 MR. MORRIS: The front bumper
6 on your Jeep?

7 THE WITNESS: Yes.

8 Q And what part of the gray sedan did
9 your front bumper come in contact with?

10 A The trunk and the bumper.

11 MR. MORRIS: The rear bumper?

12 THE WITNESS: The rear bumper
13 and the trunk.

14 Q You have referred to a number of
15 photographs. In fact, you just pointed to
16 one now. Did you take those photographs?

17 A No.

18 Q Do you know who took the photographs?

19 MR. MORRIS: If you know.

20 A I think the insurance people took it.

21 Q You pointed to photographs which has
22 been marked A-1 and A-2 from the deposition
23 taken on February 8, 2008.

24 MR. MORRIS: It was during the
25 plaintiff's deposition held at this

1 Lecoureux

2 office on that date.

3 Q I'd like to show you these
4 photographs and ask you whether or not you
5 recognize the vehicle depicted in those two
6 photographs as the vehicle your Jeep came
7 into contact with?

8 A Yes.

9 Q You pointed to photograph A-2 to show
10 the trunk and rear bumper area?

11 A Yes.

12 Q Is the indentation shown in
13 photograph A-2, the place which was part of
14 the damage which occurred at the time of
15 this impact?

16 A Yes.

17 Q There seems to be a rope holding down
18 the trunk in these two photographs. Was
19 that rope in place on the date of this
20 accident?

21 A No.

22 Q Do you recognize the license 568SGT,
23 Connecticut, as the license which was on the
24 gray sedan?

25 A I don't recall the number. The plate

1 Lecoureur

2 from Connecticut, yes.

3 Q Do you recall if the vehicle was a
4 Honda that you came in contact with, the
5 letter H?

6 A Yes.

7 Q I'd like to show you photographs
8 which have been marked C-1 and C-2. It
9 depicts a vehicle with the New Jersey
10 license plate NSD41H.

11 Do you recognize what is depicted in
12 that photograph?

13 A My vehicle.

14 Q You notice the date given on the
15 photograph as November 15, 2006?

16 A Yes.

17 Q To the best of your recollection, is
18 this the way your vehicle looked on October
19 28, 2006, the date of this incident?

20 A Yes.

21 Q Can you tell from the photograph what
22 part of your vehicle came in contact with
23 the Honda sedan that was seen in A-1?

24 A This part, front bumper.

25 Q The front bumper. Are you showing

1 Lecoureur

2 with your finger that portion of the vehicle
3 which is at the top of your license plate?

4 A Yes.

5 Q Just below the two headlights?

6 A Yes.

7 MR. MORRIS: Off the record.

8 (Whereupon, a discussion was held
9 off the record.)

10 MR. KONSTADT: Would you also
11 mark this as Plaintiffs' 1 for
12 identification?

13 (Whereupon a photograph was
14 marked Plaintiffs' Exhibit 1 for
15 identification as of this date.)

16 MR. KONSTADT: A photograph of
17 the rear of a vehicle of a Jeep
18 vehicle taken on November 15, 2006
19 was marked.

20 Q Would you look at the three
21 photographs of your car, C-1, C-2 and
22 Plaintiffs' 1, and could you tell me if the
23 wheels on the Jeep were oversized wheels or
24 regular wheels?

25 A Regular size wheels.

1 Lecoureur

2 Q After this incident occurred, were
3 you injured in the impact?

4 A No.

5 Q So you had full range of your
6 faculties and the like?

7 A Yes.

8 Q After this incident, did you use your
9 cell phone to call for the police?

10 A Yes.

11 Q Did the police come to the scene?

12 A An hour later.

13 MR. KONSTADT: Off the record.

14 (Whereupon, a discussion was held
15 off the record.)

16 Q During the hour you waited, did it
17 start to rain?

18 A Yes.

19 Q After the contact between the Jeep
20 and the Honda, did you leave your car to
21 approach the Honda?

22 A Yes.

23 Q What time interval elapsed?

24 A Under a minute.

25 Q Did it rain during that minute?

1 Lecoureur

2 A No.

3 Q When you approached the Honda, was
4 the operator behind the wheel of his car or
5 did he get out of his car also?

6 A He was still in the car.

7 Q Did he move his window down?

8 A Yes.

9 Q Did you have a conversation with him?

10 A Yes.

11 Q Do you recall what you said and what
12 the substance of his response was?

13 A Are you okay and I looked behind.
14 There was three children in the back seat
15 and they were good. The wife did not
16 respond, but the husband looked around and
17 said yes, we're okay.

18 Q Was it the husband who was driving?

19 A Yes.

20 Q And the wife, was she in the
21 passenger seat next to him?

22 A Yes.

23 Q And you said the children were in the
24 rear?

25 A Yes.

1 Lecoureur

2 Q Did you tell him you had called the
3 police or had you not called the police yet?

4 A No, I did not call the police at this
5 time. I made sure they were okay first.

6 Q So after he said it was okay, what
7 happened next?

8 A Then I called 911 two or three times.

9 Q The first time, were you standing by
10 his car when you called 911?

11 A Yes.

12 Q When was the second time you called
13 911?

14 A After five minutes or ten minutes,
15 maybe.

16 Q Did it rain between the first time
17 you called 911 and the second time you
18 called 911?

19 A Yes.

20 Q It rained?

21 A Yes.

22 Q What did you do when it started to
23 rain? Did you go back in your car?

24 A No, I think we were under the bridge.
25 There was an overpass. I called 911 and the

1 Lecoureur

2 gentleman asked me for my phone. He wanted
3 to make a call to people. He used my cell
4 phone.

5 Q Did you move your vehicle before the
6 police arrived?

7 A No. There's no room to move. It's
8 narrow with very high curb.

9 Q Did you do something so that the
10 cars, the other cars in back of you could
11 exit at 132nd Street?

12 A No.

13 Q You just stayed there?

14 A Yes.

15 Q You were in the same position where
16 the vehicles were at the time when the
17 police came?

18 A Yes.

19 Q When it started to rain, were you
20 under an overpass at that time?

21 A Yes.

22 Q Was it raining onto your car and his
23 car when it rained or were your cars
24 protected by the overpass?

25 A There was -- the wind was side

1 Lecoureur

2 swiping -- yes, there was some water coming
3 on the cars.

4 Q Was the area where this incident
5 happened level or did it go uphill or
6 downhill?

7 A Fairly level.

8 Q Was the exit curve to the right or
9 just a straight run?

10 A Curved to the right like 90 degrees,
11 very short and then there's a yield sign
12 about 30 feet from the curb.

13 MR. MORRIS: Off the record.

14 (Whereupon, a discussion was held
15 off the record.)

16 Q Did you have any conversation with
17 the police when they came?

18 A Just the technical facts how it
19 happened.

20 Q Did you show the police your
21 registration number?

22 A Yes.

23 Q And insurance number?

24 A Yes.

25 Q Insurance cards I should say?

1 Lecoureur

2 A Yes.

3 Q And your driver's license?

4 A Yes.

5 Q You were born on August 7, '55?

6 A Yes.

7 Q What do you do?

8 A House painter.

9 Q Do you drive a truck?

10 A This is my work vehicle.

11 Q How long have you been operating a
12 vehicle, a motor vehicle?

13 A Since I was eighteen.

14 Q Are you Canadian?

15 A No, I'm French.

16 Q What part of France are you from?

17 A New Caledonia.

18 Q Were you able to drive your car away?

19 A Yes.

20 Q Do you know whether or not the Honda
21 was able to be driven away?

22 A Yes.

23 Q Other than the conversation you told
24 us about with the other driver, did you have
25 any other conversation with him?

1 Lecoureur

2 A After the police and ambulance came,
3 I just apologized to him and wished him good
4 luck and we went on our way.

5 Q You mentioned before that you saw
6 leaves on the ground?

7 A It's fall, yes.

8 Q Did you notice any trees in the area?

9 A Yes.

10 Q Where were the trees?

11 A The curb, sidewalk.

12 Q Did this incident happen under an
13 overpass or under a railroad track?

14 A I think so, yes.

15 Q Do you know what the exit was?

16 A 132.

17 MR. KONSTADT: Mark these as
18 Plaintiffs' 2 and 3.

19 (Whereupon two photographs
20 were marked Plaintiffs' Exhibits 2
21 and 3 for identification as of this
22 date.)

23 MR. KONSTADT: In accordance
24 with the rules, I have produced
25 photographs for the first time which

1 Lecoureur

2 were marked Plaintiffs' 2 and 3.

3 These were photographs taken from the

4 Google Maps. Those are aerial

5 photographs. That is my source for

6 the photographs. They were done this

7 morning and I have no other

8 information as to when the actual

9 photographs were taken.

10 MR. MORRIS: When did Google
11 make these?

12 MR. KONSTADT: I don't know if
13 Google made these. I don't know the
14 source of the photographs. I'm just
15 saying where I got them from.

16 I have numbered these maps for
17 defendant's counsel who had an
18 opportunity to privately inspect them
19 with his client. So he is not
20 apparently making any objection at
21 this late service of the maps.

22 MR. MORRIS: That's correct.

23 Q My first question to you, as I've
24 indicated, these maps were taken from Google
25 Maps. I took them from the area of the

1 Lecoureaux
2 Harlem River Drive. The map of photograph 2
3 has at the top East 135th Street and
4 photograph marked 3 has at the bottom East
5 132nd Street.

6 I had no personal knowledge of where
7 this incident occurred and based on the
8 police report, I thought that this was the
9 area of the incident. However, since you
10 were there, I don't -- I have to ask you the
11 following question: Looking at the map, at
12 photograph 2, which is the top photograph
13 with the mark East 135th Street showing a
14 ramp to the northbound lane, I wanted to ask
15 you whether or not -- and apartment houses
16 to your left as you look at the photograph,
17 and a railroad overpass at the bottom -- do
18 either of these two photographs indicate to
19 you the general area where this incident
20 occurred?

21 A Yes. This is the general area, but
22 looking at the map, I can't tell you the
23 exact -- I was on the ground, but not up in
24 the air, so I can't position anything, but
25 yes, in general it's the general area of the

1 Lecoureur

2 accident.

3 Q After this accident, did you return
4 to Glenrock or did you go to the ticket
5 office for tickets or something else?

6 A I returned home.

7 Q Can you tell me what route you used
8 to leave the place of the accident to go
9 home?

10 A I think I went south on Park and to
11 get back on the highway, to get back on the
12 FDR, to the next exit to get back on.

13 Q Did you cross Second Avenue to get
14 back to make the U-turn to get back --

15 A I don't recall the location of the
16 streets. I just know I went down and back
17 up to the nearest exit to get back on the
18 highway.

19 Q Then you went north on Harlem River
20 Drive to go over the George Washington
21 Bridge to go back home?

22 A Yes.

23 Q Do you recall going on 132nd Street
24 or do you recall you went on Park Avenue to
25 make the U-turn back?

1 Lecoureaux

2 A I don't recall.

3 Q Is there anything in the photographs
4 before you which show the exit you took to
5 get off the Drive?

6 A No, I just see the Harlem River Drive
7 and that's about it.

8 Q Did you have any problem operating
9 your car after this incident?

10 A No.

11 Q Did you have to take your car in for
12 any servicing?

13 A No.

14 Q Did you have any problem with your
15 brakes?

16 A No.

17 Q Any problem with your steering?

18 A No.

19 Q Any problem with your alignment?

20 A No.

21 MR. MORRIS: Off the record.

22 (Whereupon, a discussion was held
23 off the record.)

24 Q Did you have any repairs made to your
25 car after this incident?

1 Lecoureur

2 A No.

3 Q I asked before if the photographs of
4 your car, which were marked C-1 and C-2, if
5 that was the general appearance of your car
6 prior to the accident?

7 A Yes.

8 Q And it was the appearance of your car
9 on the date the photographs were taken,
10 November 15th?

11 A Yes.

12 Q Did your cell phone have the
13 capability of taking any pictures?

14 A I switched phones since, so -- no.

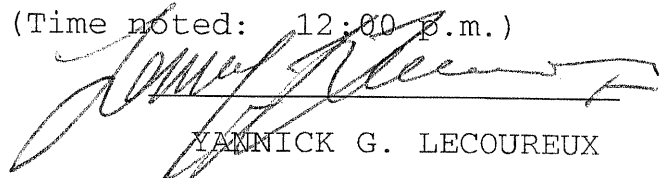
15 Q So you did not take any pictures at
16 the scene?

17 A No.

18 MR. KONSTADT: No further
19 questions.

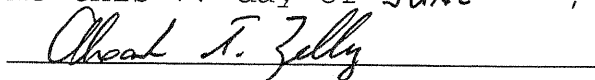
20 (Time noted: 12:00 p.m.)

21


YANNICK G. LECOUREUX

22 Subscribed and sworn to before
23 me this 17 day of JUNE , 2008.

24



Notary Public

25

ALEXANDER T. ZELLWAY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Mar. 6, 2013

34

1 Lecoureur

2 EXHIBITS

3 PLAINTIFFS'

FOR IDENTIFICATION	DESCRIPTION	PAGE
--------------------	-------------	------

4

1	Photograph	21
---	------------	----

2 and 3	Photographs	28
---------	-------------	----

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Lecoureux

2 C E R T I F I C A T E

3 I, JUSTYNE HAISONAK, hereby certify that
4 the DEPOSITION of YANNICK G. LECOUREUX was held
5 before me on the 16th day of April, 2008; that
6 said witness was duly sworn before the
7 commencement of his testimony; that the testimony
8 was taken stenographically by myself and then
9 transcribed by myself; that the party was
10 represented by counsel as appears herein;

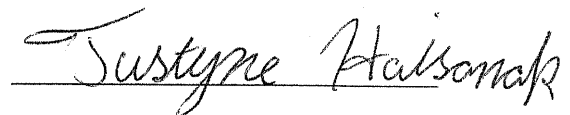
11 That the within transcript is a true
12 record of the DEPOSITION of said witness;

13 That I am not connected by blood or
14 marriage with any of the parties; that I am not
15 interested directly or indirectly in the outcome
16 of this matter; that I am not in the employ of
17 any of the counsel.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 1st day of May, 2008.

20

21



JUSTYNE HAISONAK

22

23

24

25

1		Lecoureux
2		ERRATA SHEET
	PAGE/LINE	CORRECTION
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

<p style="text-align: center;">A</p> <p>able 27:18,21 about 9:4 26:12 27:24 32:7 accident 19:20 31:2,3,8 33:6 accommodate 4:23 accordance 28:23 across 8:6 actual 29:8 address 4:11 administer 3:15 aerial 29:4 afford 5:4 after 7:19 17:3 22:2,8,19 24:6,14 28:2 31:3 32:9,25 against 1:6 AGREED 3:3,8,13 air 11:16 30:24 airbag 17:10,12 ali 1:4,4,4,4 4:16 17:9 alignment 32:19 already 15:22 ambulance 28:2 answer 5:5 anyone 7:11 anything 4:24 30:24 32:3 apartment 30:15 apologized 28:3 apparently 29:20 appearance 33:5,8 appears 35:10 applied 16:23 17:3,5 approach 22:21 approached 23:3 approximately 6:12 7:8 9:13,15 14:21 14:25 15:25 17:2 April 1:14 35:5 area 19:10 26:4 28:8 29:25 30:9,19,21 30:25 around 5:6 23:16 arrived 25:6 asked 25:2 33:3 asking 6:2 attorneys 2:3,8 3:4 audio 11:19 August 27:5 authorized 3:15 automatic 10:25 11:2,3 Avenue 10:8,20 31:13,24 away 27:18,21 A-1 18:22 20:23 A-2 18:22 19:9,13 a.m 1:15</p>	<p>becomes 4:25 before 1:15 3:17 4:3 7:9 9:16 12:17 25:5 28:5 32:4 33:3,22 35:5,6 behind 15:22 17:8 23:4,13 below 21:5 belt 17:14,17 best 20:17 between 3:3 22:19 24:16 Block 9:16 blood 35:13 born 27:5 both 5:2 bottom 30:4,17 bought 6:10,13 Boulevard 4:12 brake 15:7,12,14,24 16:5,23 17:4,5,6 17:8 brakes 32:15 brand 6:3 bridge 7:17,20 8:2,7,18 24:24 31:21 Broadway 1:14,21 2:4 bumper 18:4,5,9,10,11,12 19:10 20:24 20:25 buy 6:8,16</p>	<p>conditioning 11:17 congested 9:9 connected 35:13 Connecticut 19:23 20:2 constantly 17:6 contact 16:24 18:9 19:7 20:4,22 22:19 controls 10:9 conversation 23:9 26:16 27:23,25 correct 29:22 CORRECTION 36:2 counsel 29:17 35:10,17 Country 2:9 court 1:1 3:17 courtesy 5:5 cross 31:13 crossing 8:2 curb 25:8 26:12 28:11 curve 26:8 Curved 26:10 C-1 20:8 21:21 33:4 C-2 20:8 21:21 33:4</p>
<p style="text-align: center;">B</p> <p>back 4:22 7:25 14:8 15:4,18 23:14 24:23 25:10 31:11,11,12,14,14,16 31:17,21,25 BARRISTER 1:21 based 30:7 bear 4:23</p>	<p style="text-align: center;">C</p> <p>C 2:1 4:2,2 35:2,2 Caledonia 27:17 call 22:9 24:4 25:3 called 24:2,3,8,10,12,17,18,25 came 7:9,19 8:17 10:10 19:6 20:4,22 25:17 26:17 28:2 Canadian 27:14 cap 12:2,4 capability 33:13 car 5:20,24 7:11 10:21 11:20 12:8,13 14:14,17,22 15:2,4,17,18,18,20,25 17:3,9,10,18 21:21 22:20 23:4,5,6 24:10,23 25:22,23 27:18 32:9,11,25 33:4,5,8 cards 26:25 cars 12:20,23,24 13:4,23 14:3,6 25:10 25:10,23 26:3 Casual 11:25 cell 12:8,10 22:9 25:3 33:12 certification 3:5 certify 35:3 change 15:9 Cherokee 5:17,25 children 23:14,23 chose 8:13 client 29:19 Clothes 11:23 clothing 11:25 color 14:13,16 come 7:13 18:9 22:11 coming 7:8 10:14 26:2 commencement 35:7 completing 5:5 condition 5:21</p>	<p style="text-align: center;">D</p> <p>damage 19:14 DANYAL 1:4 date 5:20 19:2,19 20:14,19 21:15 28:22 33:9 day 7:2,6,23 33:23 35:5,19 dealer 6:16,18,19 dealership 6:20,21,22 decided 10:19 12:19 Defendant 1:8,11 2:8 defendant's 29:17 degrees 26:10 depicted 19:5 20:11 depicts 20:9 deposition 1:11 3:14 18:22,25 35:4,12 DESCRIPTION 34:3 device 11:20 difficult 5:2 Direct 11:5,6 directly 35:15 discussion 5:11 17:21 21:8 22:14 26:14 32:22 distance 17:3 DISTRICT 1:1,2 divider 9:19 done 29:6 door 5:9 down 5:8 9:3,6,8,17 10:18 11:14 19:17 23:7 31:16 downhill 26:6 drive 4:18 8:14,19,23 9:5,24 10:11,14 10:17 11:4,5,6 27:9,18 30:2 31:20 32:5,6 driven 27:21 driver 27:24 driver's 27:3 driving 8:25 23:18 dry 11:11,13</p>

duly 4:3 35:6 during 18:24 22:16,25	18:9 20:24,25 full 22:5 further 3:8,13 33:18	INC 1:21 incident 4:17 7:3 20:19 22:2,8 26:4 28:12 30:7,9,19 32:9,25 indentation 19:12 indicate 30:18 indicated 29:24 indicating 16:7 indirectly 35:15 infant 1:4 inflate 17:12 information 29:8 injured 22:3 inspect 29:18 insurance 18:20 26:23,25 intention 9:4,8 interested 35:15 interfere 17:17 interval 22:23 involved 4:16
E	G	J
E 2:1,1 4:2,2 35:2,2 East 30:3,4,13 effect 3:16 eighteen 27:13 either 30:18 elapsed 22:23 employ 35:16 enter 13:11 entered 8:18 16:17 ERRATA 36:2 ESQ 2:5,10 exact 30:23 EXAMINATION 4:7 examined 4:5 except 3:9 Exhibit 21:14 exhibits 28:20 34:2 exit 4:18 9:11,12,16,18,23 10:3,6,10 11:11,12 12:16,25 13:10,12,17,19 14:21 15:3 16:16,17 17:5 25:11 26:8 28:15 31:12,17 32:4 exited 11:9 12:22	G 1:7,11 4:2,10 33:21 35:4 gear 11:3,6,7 15:9 general 30:19,21,25,25 33:5 gentleman 25:2 George 7:16,19 8:2,6,17 31:20 getting 9:7 give 12:13 given 20:14 glasses 12:6,7 Glen 4:12 Glenrock 4:12 31:4 go 7:25 8:20 9:6,8 10:4,20 12:19 24:23 26:5 31:4,8,20,21 going 4:19 5:6,7 7:2,5 8:6,9,11 9:5 12:21 31:23 good 5:20 23:15 28:3 Google 29:4,10,13,24 gray 14:18,22 16:22 17:24 18:3,8 19:24 ground 28:6 30:23 Guardian 1:4 guidance 12:12	Jeep 5:14,17,25 6:21 18:6 19:6 21:17 21:23 22:19 Jersey 4:13 20:9 JOHN 2:10 just 18:15 21:5 25:13 26:9,18 28:3 29:14 31:16 32:6 JUSTYNE 35:3,21
F	H	K
F 35:2 fact 18:15 facts 26:18 faculties 22:6 Fairly 26:7 fall 11:13 28:7 family 4:16 far 14:21 fast 15:5,25 FDR 7:20 31:12 February 18:23 feet 13:22 26:12 Fifteen 10:23 filing 3:5 finger 21:2 finish 5:3 firm 4:15 first 4:3 5:4 14:14,20 24:5,9,16 28:25 29:23 five 16:3 24:14 focus 7:2 following 15:3 30:11 follows 4:5 foot 15:15 17:6,8 force 3:16 form 3:9 France 27:16 French 27:15 from 6:16 7:9 13:20 14:22 16:22 17:5 18:22 20:2,21 26:12 27:16 29:3,15 29:24,25 front 10:19 12:20,23 14:22 15:19 18:5	H 20:5 HAISONAK 35:3,21 hand 16:10,12,13 35:19 hands 16:18 happen 28:12 happened 13:6 15:5 24:7 26:5,19 Harlem 4:18 8:14,19,22 9:5,24 10:10 10:14,17 30:2 31:19 32:6 hat 12:2 Having 4:3 headlights 21:5 heater 11:16 held 1:13 5:11 17:21 18:25 21:8 22:14 26:14 32:22 35:4 hereunto 35:18 high 25:8 higher 11:7 highway 8:15 11:10,11 13:17,20 14:19 31:11,18 him 15:3,7 23:9,21 24:2 27:25 28:3,3 hit 14:24 15:7,12,14,24 16:5 holding 19:17 home 7:10 31:6,9,21 Honda 20:4,23 22:20,21 23:3 27:20 hour 16:3 22:12,16 House 27:8 houses 30:15 husband 23:16,18	K 4:2 keep 5:7,9 KELLY 2:8,8 kind 5:23 10:24 know 9:14 10:6,21 13:4 18:18,19 27:20 28:15 29:12,13 31:16 knowledge 30:6 konstadt 2:5 4:8,14 5:10 6:4 21:10,16 22:13 28:17,23 29:12 33:18
	I	L
	identification 21:12,15 28:21 34:3 impact 19:15 22:3	L 3:1 4:2 lane 8:20,21 9:4,11,14 10:3,16 12:25 13:3,11,12,15,17,17,19 30:14 lanes 8:23 9:24,25 10:2 13:2 late 29:21 later 22:12 law 4:15 lead 10:6 leave 13:10 22:20 31:8 leaves 11:12,13 28:6 leaving 9:4 lecoureux 1:12 4:1,10 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1,21 34:1 35:1,4 36:1 LECOURIUX 1:7 left 15:21 16:10 30:16 let 5:3

<p>letter 20:5 Let's 7:25 level 8:3 26:5,7 license 19:22,23 20:10 21:3 27:3 lights 13:5 like 7:23 11:9 12:14 15:2 19:3 20:7 22:6 26:10 Limited 5:17 LLP 1:13 2:3 location 31:15 long 13:14 27:11 look 8:11 21:20 30:16 looked 20:18 23:13,16 looking 30:11,22 lower 8:3 luck 28:4</p>	<p>1:2,14,14,16,22 2:4,4,9 4:4,12 6:8 20:9 27:17 next 9:22 23:21 24:7 31:12 noise 5:6 none 12:22,23 north 31:19 northbound 30:14 Notary 1:15 4:4 33:24 noted 33:20 notice 20:14 28:8 November 20:15 21:18 33:10 NSD41H 20:10 number 4:19 5:16 18:14 19:25 26:21 26:23 numbered 29:16 N.Y 1:22</p>	<p>3:4 35:14 party 6:17 35:9 passenger 23:21 pavement 11:13 people 5:8 18:20 25:3 personal 30:6 phone 12:8,10 22:9 25:2,4 33:12 phones 33:14 photograph 19:9,13 20:12,15,21 21:13,16 30:2,4,12,12,16 34:5 photographs 18:15,16,18,21 19:4,6,18 20:7 21:21 28:19,25 29:3,5,6,9,14 30:18 32:3 33:3,9 34:6 pictures 33:13,15 place 19:13,19 31:8 plaintiffs 1:5,12 2:3 21:11,14,22 28:18 28:20 29:2 34:3 plaintiff's 18:25 plate 19:25 20:10 21:3 Please 4:23 5:3 point 8:22 9:23 pointed 18:15,21 19:9 police 22:9,11 24:3,3,4 25:6,17 26:17 26:20 28:2 30:8 portion 21:2 position 25:15 30:24 prior 6:13 16:16 33:6 private 6:17 privately 29:18 Probably 6:15 problem 32:8,14,17,19 proceeded 9:3 proceeding 16:2 produced 28:24 protected 25:24 Public 1:15 4:4 33:24 pursuant 1:12 p.m 33:20</p>
M	O	Q
<p>M 2:5 made 14:20 15:6 24:5 29:13 32:24 make 13:10 25:3 29:11 31:14,25 making 29:20 Manhattan 7:5,9 manner 17:18 manual 10:25 map 30:2,11,22 maps 12:13 29:4,16,21,24,25 mark 21:11 28:17 30:13 marked 18:22 20:8 21:14,19 28:20 29:2 30:4 33:4 marriage 35:14 matter 35:16 may 3:14 maybe 24:15 mean 13:16 mentioned 14:6 28:5 middle 8:21,25 9:3 miles 16:3 mind 4:23 Mineola 2:9 MINERVA 1:4,4 minute 22:24,25 minutes 24:14,14 model 5:16,25 moment 16:20 morning 29:7 MORRIS 2:10 6:2,14 13:16,25 17:20 18:5,11,19,24 21:7 26:13 29:10,22 32:21 motor 5:14 27:12 move 14:20 15:10,20 16:22 23:7 25:5 25:7 movement 15:17 myself 35:8,9</p>	<p>O 3:1 4:2 oath 3:15 objection 29:20 objections 3:9 occurred 19:14 22:2 30:7,20 October 4:17 5:13 6:13 7:3 20:18 off 5:10,12 7:24 8:17 9:7,11 10:10,14 10:20 12:19,21 14:19,21 16:16 17:20,22 21:7,9 22:13,15 26:13,15 32:5,21,23 office 19:2 31:5 officer 3:15 offices 1:13 okay 23:13,17 24:5,6 Old 2:9 one 6:23 9:22 10:5 12:25 13:3 14:7,24 16:12,13 18:16 onto 8:18 25:22 open 5:9 operated 17:18 operating 5:21 27:11 32:8 operator 23:4 opportunity 29:18 order 1:13 16:9 other 5:8 11:19 13:4 14:8 25:10 27:23 27:24,25 29:7 out 16:20 23:5 outcome 35:15 over 1:4 7:16,19 31:20 overpass 24:25 25:20,24 28:13 30:17 oversized 21:23 owner 5:14</p>	<p>question 3:10 4:21,22 5:3 29:23 30:11 questions 4:20 33:19 quick 13:6 15:5</p>
N	P	R
<p>N 2:1 3:1 4:2,2 name 4:9,14 6:19 narrow 25:8 nearest 31:17 new</p>	<p>P 2:1,1 3:1 PAGE 34:3 PAGE/LINE 36:2 painter 27:8 Park 10:8,20 31:10,24 parked 12:24 part 18:2,8 19:13 20:22,24 27:16 particular 6:23 parties</p>	<p>R 2:1 4:2 35:2 radio 11:19 railroad 28:13 30:17 rain 22:17,25 24:16,23 25:19 rained 24:20 25:23 raining 16:20 25:22 ramp 30:14 Ramsey 6:20,21,25 range 22:5 rashad 1:4 4:16 rather 8:14 read 4:22 9:21 reading 12:7 rear 13:5 14:22 18:11,12 19:10 21:17 23:24 reason</p>

8:13,16 recall 5:24 6:12,19 7:5 8:5 9:18 11:15 11:18,21,22 12:5 13:7,8,9 14:10 17:2 19:25 20:3 23:11 31:15,23,24 32:2 recognize 19:5,22 20:11 recollection 20:17 record 5:10,12 17:20,22 21:7,9 22:13 22:15 26:13,15 32:21,23 35:12 referred 18:14 registration 26:21 regular 21:24,25 remember 9:21 14:13,16 repairs 32:24 report 30:8 reporter 4:21,24 REPORTING 1:21 represent 4:15 represented 35:10 required 4:24 reserved 3:10 respective 3:4 respond 23:16 response 23:12 return 31:3 returned 31:6 right 9:11,14 14:20 15:14,21,22 16:7 26:8,10 River 4:18 8:14,19,22 9:5,24 10:10,14 10:17 30:2 31:19 32:6 Road 2:9 RODE 2:8 room 4:25 25:7 rope 19:17,19 route 6:24 7:14 31:7 rules 28:24 run 26:9	sharp 17:7 SHEET 36:2 shift 11:3 short 10:5 26:11 shortly 13:13,14 show 19:3,9 20:7 26:20 32:4 showers 7:24 showing 20:25 30:13 shown 19:12 side 8:14 25:25 sidewalk 28:11 sign 9:18,24 10:12,13,15 12:24 13:20 13:24 14:2,3,4,7,14,17 26:11 signal 16:4,9,13,15 signed 3:14,16 similar 5:4 since 27:13 30:9 33:14 size 21:25 skid 15:18 skidded 15:4,20 skidding 17:9 slowed 9:17 slowing 10:18 some 26:2 something 9:25 14:11 25:9 31:5 soon 15:6 sooner 9:7 Sorry 14:3 source 29:5,14 south 6:25 31:10 southbound 8:20 SOUTHERN 1:2 speak 5:2 special 10:3 speed 10:21 Square 8:11 standing 24:9 start 22:17 started 8:20 24:22 25:19 State 1:16 4:4 STATES 1:1 stayed 25:13 steering 32:17 stenographically 35:8 still 23:6 STIPULATED 3:3,8,13 stopped 9:10 12:24 13:5 14:7 15:2 stopping 10:19 straight 15:23 26:9 Street 9:6,9,10,12 10:20 12:20 25:11 30:3,5,13 31:23 streets 31:16 strike 17:23 struck 18:2 Subscribed 33:22 substance 23:12 sunny 8:8 sure 24:5 SUV 5:18 6:5,6 SUVs 14:11	swiping 26:2 switched 33:14 sworn 3:14,17 4:3 33:22 35:6 system 12:12
S		
S 2:1 3:1,1 sacks 1:13,13 2:3,3 4:15,15 same 3:6,16 5:2 25:15 SANFORD 2:5 Saturday 7:4 saw 9:23 10:18 15:6 28:5 saying 29:15 scene 22:11 33:16 sealing 3:5 seat 17:14,17 23:14,21 second 14:17 24:12,17 31:13 sedan 14:12,23 16:22 17:24 18:3,8 19:24 20:23 sedans 14:11 see 17:23 32:6 seems 19:17 seen 20:23 service 1:21 10:15 29:21 servicing 32:12 set 35:18 seven 16:3		
T		
		T 3:1,1 35:2,2 take 18:16 32:11 33:15 taken 1:12 18:23 21:18 29:3,9,24 33:9 35:8 taking 33:13 technical 26:18 tell 5:8,23 7:13,22 8:9,19 11:8 15:17 20:21 21:22 24:2 30:22 31:7 ten 24:14 testified 4:5 testimony 35:7,7 theater 8:12 think 18:20 24:24 28:14 31:10 thought 30:8 three 8:23 9:24 10:2 21:20 23:14 24:8 ticket 31:4 tickets 8:12 31:5 time 3:10 5:2 7:25 8:8,10 11:8 12:16 12:21 16:13,17,23,24 17:15 19:14 22:23 24:5,9,12,16,17 25:16,20 28:25 33:20 times 8:11 24:8 tires 5:23 6:5 told 27:23 tone 5:8 top 21:3 30:3,12 track 28:13 traffic 8:16 9:9,10,17 10:9,13,15,18 transcribe 4:24 transcribed 35:9 transcript 35:11 transmission 10:24 15:10 traveled 17:3 traveling 10:21 13:11 trees 28:8,10 trial 3:11 truck 27:9 true 35:11 trunk 18:10,13 19:10,18 turn 14:20 15:6,21 16:4,7,9,13,15 17:7 turned 14:19 two 9:25 12:23,24,25 13:23 14:3,6 16:18 19:5,18 21:5 24:8 28:19 30:18 type 6:3,4
U		
		U 3:1 4:2,2 under 22:24 24:24 25:20 28:12,13 understand 4:20 11:24 UNITED 1:1 until 16:23 uphill 26:5 upper 8:4 use

6:10 12:16 25:3 31:7 using 12:10 U-turn 31:14,25	0 04 6:15 07452 4:13	911 24:8,10,13,17,18,25
V vehicle 5:14 6:6 17:23 18:2 19:5,6 20:3,9,13,18,22 21:2,17,18 25:5 27:10,12,12 vehicles 25:16 very 10:5 15:4 17:7 25:8 26:11 via 7:13 voice 5:7	1 1 21:11,14,22 34:5 10:45 1:15 10038 2:4 10271 1:22 11501 2:9 12:00 33:20 120 1:21 125 9:22 132 9:22 28:16 132nd 10:20 12:19 25:11 30:5 31:23 133rd 9:12 135th 9:10 30:3,13 15 20:15 21:18 15th 33:10 150 1:14 2:4 16 1:14 16th 35:5 17 6:24,25 1997 5:14	
W waited 22:16 waived 3:6 wanted 25:2 30:14 Washington 7:17,20 8:2,6,18 31:20 water 26:2 way 9:6 15:21 20:18 28:4 wear 12:6 wearing 11:22 12:2 17:14 weather 7:22 8:5 11:9 went 7:16,20 9:10 15:23 28:4 31:10 31:16,19,24 were 4:16 5:13 7:8,25 8:3,6,9,25 9:5,6 9:14 10:9 11:12,14,22 12:2,10,20 13:4,5,11,23 14:6,7,10 16:7 17:14 21:23 22:2 23:15,23 24:5,9,24 25:15 25:16,19,23 27:5,18 28:10,20 29:2,3 29:6,9,24 30:10 33:4,9 West 8:14 wet 11:12,13 we're 23:17 wheel 16:12,18 23:4 wheels 21:23,23,24,25 WHEREOF 35:18 wide 9:25,25 wife 23:15,20 wind 25:25 window 23:7 windows 11:14 wish 4:21 wished 28:3 witness 18:7,12 35:6,12,18 work 16:15 27:10 working 11:20	2 2 28:18,20 29:2 30:2,12 34:6 200 13:22 2006 4:17 5:13 6:13 7:3 20:15,19 21:18 2008 1:15 18:23 33:23 35:5,19 21 34:5 212-732-8066 1:22 28 4:17 5:13 6:13 7:3 20:19 34:6	
X x 1:3,9 4:2 xxxxx 2:13 3:19	3 3 28:18,21 29:2 30:4 34:6 30 26:12 330 2:9	
Y Y 4:2 yannick 1:7,11 4:10 33:21 35:4 year 6:14 yellow 13:24 yield 10:12,13,15 12:24 13:20,25 14:3 14:4,7,14,17 26:11 york 1:2,14,14,16,22 2:4,4,9 4:4	4 4 7:14 49th 9:9	
	5 50th 9:6,8 55 27:5 568SGT 19:22	
	6 60 4:12	
	7 7 27:5	
	8 8 18:23	
	9 90 26:10	